

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DEBRA HATTEN-GONZALES, et al.,

Plaintiffs,

vs.

Civ. No. 88-0385 KG/GBW
Consolidated with
Civ. No. 88-786 KG/GBW

DAVID R. SCRASE, Secretary of the
New Mexico Human Services Department,

Defendant.

ORDER SETTING IN-PERSON STATUS CONFERENCE

This matter comes before the Court *sua sponte*. As part of its ongoing monitoring activities, implementation of the existing Corrective Action Plan, and other requirements of the Consent Decree, the Court requires a report from Defendant, Dr. David R. Scrase, Secretary of the New Mexico Human Services Department (HSD), regarding the specifics of his plan to ensure HSD continues providing access to SNAP and Medicaid clients and delivering client services as the existing Public Health Emergency waivers expire.¹

Therefore, the Court sets this matter for an **IN-PERSON STATUS CONFERENCE** on **Thursday, February 9, 2023, at 9:30 a.m.** in the Mimbres Courtroom of the United States Courthouse, 100 N. Church Street, Las Cruces, NM 88001.

¹ The Court remains cognizant of Defendant's pending appeal with respect to the order for case review. However, the Court's questions do not implicate the case review process and neither this Court nor the Tenth Circuit Court of Appeals granted Defendant a stay of all proceedings. *See* (Docs. 1069 and 1079, respectively).

Dr. Scrase shall attend IN PERSON and provide specific information regarding his plan to navigate the expiring emergency waivers.² The Court will hear from Dr. Scrase, and will ask questions of him, regarding access to client services, including, but not limited to, HSD's plan with respect to automation, the call center, and other aspects of client services. In providing the Court with details of his plan, Dr. Scrase will also be prepared to discuss the assumptions underlying or underpinning of the plan and the current state of affairs at HSD relating to SNAP and Medicaid. Put another way, Dr. Scrase will provide the Court detailed information about the status of HSD vis-à-vis SNAP and Medicaid services, and a plan for the same going forward.

The Court seeks specific, detailed information to ensure that HSD does not experience a "perfect storm" like it did in 2013–2014, when the simultaneous implementation of the Affordable Care Act and deployment of the new ASPEN system resulted in a years-long backlog that negatively impacted client services and amounted to access denial for many thousands of SNAP and Medicaid clients.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

² The Court understands that SNAP maximum allotments will end in February 2023; Medicaid extensions will expire in April 2023; and other waivers will expire when the Public Health Emergency is lifted.